

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 4660

**MICHAEL HART**

3805 Boundary Street, Apt E  
San Diego, CA 92104

Pharmacy Technician Registration No.  
TCH 86374

Respondent.

**DECISION AND ORDER**

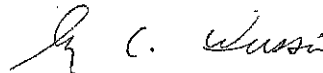
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on January 15, 2014.

It is so ORDERED on January 10, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



\_\_\_\_\_  
STAN C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
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9  
10 **BEFORE THE**  
**BOARD OF PHARMACY**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**  
11

12 In the Matter of the Accusation Against:

Case No. 4660

13 **MICHAEL JAMES HART**  
14 **3805 Boundary Street, Apt. E**  
**San Diego, CA 92104**

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER**

15 **Pharmacy Technician Registration**  
16 **No. TCH 86374**

17 Respondent.

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
22 She brought this action solely in her official capacity and is represented in this matter by Kamala  
23 D. Harris, Attorney General of the State of California, by Amanda Dodds, Senior Legal Analyst.

24 2. Michael James Hart (Respondent) is representing himself in this proceeding and has  
25 chosen not to exercise his right to be represented by counsel.

26 3. On or about September 5, 2008, the Board of Pharmacy issued Pharmacy  
27 Technician Registration No. TCH 86374 to Respondent. The Pharmacy Technician Registration  
28 was in full force and effect at all times relevant to the charges brought in Accusation No. 4660.

1 The Pharmacy Technician Registration expired on October 31, 2013, and was not renewed.  
2 Section 4300.1 of the Code provides that the expiration or the voluntary surrender of a license  
3 shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or  
4 action or disciplinary proceeding against, the licensee or to render a decision suspending or  
5 revoking the license.

#### 6 JURISDICTION

7 4. Accusation No. 4660 was filed before the Board of Pharmacy (Board), Department of  
8 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
9 statutorily required documents were properly served on Respondent on October 9, 2013.  
10 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation  
11 No. 4660 is attached as Exhibit A and incorporated by reference.

#### 12 ADVISEMENT AND WAIVERS

13 5. Respondent has carefully read, and understands the charges and allegations in  
14 Accusation No. 4660. Respondent also has carefully read, and understands the effects of this  
15 Stipulated Surrender of License and Order.

16 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
17 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
18 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
19 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
20 the attendance of witnesses and the production of documents; the right to reconsideration and  
21 court review of an adverse decision; and all other rights accorded by the California  
22 Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
24 every right set forth above.

#### 25 CULPABILITY

26 8. Respondent admits the truth of each and every charge and allegation in Accusation  
27 No. 4660, agrees that cause exists for discipline, and hereby surrenders his Pharmacy Technician  
28 Registration No. TCH 86374 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Pharmacy Technician Registration without further process.

## CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

## ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 86374, issued to Respondent Michael James Hart, is surrendered and accepted by the Board of Pharmacy.

1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against

Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. Respondent understands and agrees that if he ever files an application for licensure or a petition for reinstatement in the State of California, the board shall treat it as a new application for licensure. Respondent may not apply for any license, permit, or registration from the Board for three (3) years from the effective date of this decision. Respondent stipulates that should he apply for any license from the Board on or after the effective date of this decision, all allegations set forth in Accusation No. 4660 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application. Respondent shall satisfy all requirements applicable to that license as of the date the application is submitted to the Board, including, but not limited to certification by a nationally recognized body prior to the issuance of a new license. Respondent is required to report this surrender as disciplinary action.

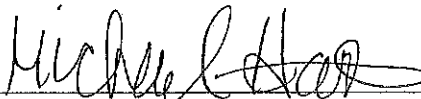
5. Respondent stipulates that should he apply for any license from the Board on or after the effective date of this decision, investigation and prosecution costs in the amount of \$2,807.00 shall be paid to the Board prior to issuance of the license.

#### ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: \_\_\_\_\_

11/18/2013

  
MICHAEL JAMES HART  
Respondent

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Dated: 11/21/13

KAMALA D. HARRIS  
Attorney General of California  
LINDA K. SCHNEIDER  
Supervising Deputy Attorney General

AMANDA DODDS  
Senior Legal Analyst  
*Attorneys for Complainant*

SD2013805176

**Exhibit A**

**Accusation No. 4660**

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 State Bar No. 101336  
AMANDA DODDS  
4 Senior Legal Analyst  
110 West "A" Street, Suite 1100  
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7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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10 **BEFORE THE**  
**BOARD OF PHARMACY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
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13 In the Matter of the Accusation Against:

Case No. 4660

14 **MICHAEL JAMES HART**  
3805 Boundary Street, Apt. E  
15 San Diego, CA 92104

**A C C U S A T I O N**

16 **Pharmacy Technician Registration**  
No. TCH 86374

17  
18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
23 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

24 2. On or about September 5, 2008, the Board of Pharmacy issued Pharmacy Technician  
25 Registration Number TCH 86374 to Michael James Hart (Respondent). The Pharmacy  
26 Technician Registration was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on October 31, 2013, unless renewed.

28 ///



## JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 4300, subdivision (a) of the Code states "Every license issued may be suspended or revoked."

5. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

## STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order

1 to fix the degree of discipline or to determine if the conviction is substantially related  
2 to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"  
4 and "registration."

5 9. Section 4301 of the Code states:

6 The board shall take action against any holder of a license who is guilty of  
7 unprofessional conduct or whose license has been procured by fraud or  
8 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is  
9 not limited to, any of the following:

10 . . . .

11 (f) The commission of any act involving moral turpitude, dishonesty, fraud,  
12 deceit, or corruption, whether the act is committed in the course of relations as a  
13 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

14 . . . .

15 (j) The violation of any of the statutes of this state, or any other state, or of the  
16 United States regulating controlled substances and dangerous drugs.

17 . . . .

18 (l) The conviction of a crime substantially related to the qualifications,  
19 functions, and duties of a licensee under this chapter. The record of conviction of a  
20 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
21 States Code regulating controlled substances or of a violation of the statutes of this  
22 state regulating controlled substances or dangerous drugs shall be conclusive  
23 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
24 be conclusive evidence only of the fact that the conviction occurred. The board may  
25 inquire into the circumstances surrounding the commission of the crime, in order to  
26 fix the degree of discipline or, in the case of a conviction not involving controlled  
27 substances or dangerous drugs, to determine if the conviction is of an offense  
28 substantially related to the qualifications, functions, and duties of a licensee under this  
chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
contendere is deemed to be a conviction within the meaning of this provision. The  
board may take action when the time for appeal has elapsed, or the judgment of  
conviction has been affirmed on appeal or when an order granting probation is made  
suspending the imposition of sentence, irrespective of a subsequent order under  
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
dismissing the accusation, information, or indictment.

29 . . . .

30 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
31 abetting the violation of or conspiring to violate any provision or term of this chapter  
32 or of the applicable federal and state laws and regulations governing pharmacy,  
33 including regulations established by the board or by any other state or federal  
34 regulatory agency.

35 . . . .

1       10. Section 4022 of the Code states

2               "Dangerous drug" or "dangerous device" means any drug or device unsafe for  
3 self-use in humans or animals, and includes the following:

4               (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing  
5 without prescription," "Rx only," or words of similar import.

6               (b) Any device that bears the statement: "Caution: federal law restricts this  
7 device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar  
8 import, the blank to be filled in with the designation of the practitioner licensed to use  
9 or order use of the device.

10              (c) Any other drug or device that by federal or state law can be lawfully  
11 dispensed only on prescription or furnished pursuant to Section 4006.

12       11. Section 4059 of the Code states, in pertinent part, that a person may not furnish any  
13 dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist,  
14 veterinarian, or naturopathic doctor pursuant to Section 3640.7.

15       12. Section 4060 of the Code provides, in pertinent part, that no person shall possess any  
16 controlled substance, except that furnished to a person upon the prescription of a physician,  
17 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor.

18       13. Health and Safety Code section 11350, subdivision (a) states:

19               Except as otherwise provided in this division, every person who possesses (1)  
20 any controlled substance specified in subdivision (b) or (c), or paragraph (1) of  
21 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of  
22 subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section  
23 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled  
24 substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon  
25 the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to  
26 practice in this state, shall be punished by imprisonment pursuant to subdivision (h)  
27 of Section 1170 of the Penal Code.

28       14. Health and Safety Code section 11351 states:

              Except as otherwise provided in this division, every person who possesses for  
sale or purchases for purposes of sale (1) any controlled substance specified in  
subdivision (b), (c), or (e) of Section 11054, specified in paragraph (14), (15), or (20)  
of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section  
11055, or specified in subdivision (h) of Section 11056, or (2) any controlled  
substance classified in Schedule III, IV, or V which is a narcotic drug, shall be  
punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal  
Code for two, three, or four years.

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1 15. Health and Safety Code section 11377, subdivision (a) states:

2 Except as authorized by law and as otherwise provided in subdivision (b) or  
3 Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of  
4 Division 2 of the Business and Professions Code, every person who possesses any  
5 controlled substance which is (1) classified in Schedule III, IV, or V, and which is not  
6 a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs  
7 (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of  
8 subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision  
9 (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055,  
10 unless upon the prescription of a physician, dentist, podiatrist, or veterinarian,  
11 licensed to practice in this state, shall be punished by imprisonment in a county jail  
12 for a period of not more than one year or pursuant to subdivision (h) of Section 1170  
13 of the Penal Code.

14 16. Health and Safety Code section 11378 states:

15 Except as otherwise provided in Article 7 (commencing with Section 4211) of  
16 Chapter 9 of Division 2 of the Business and Professions Code, every person who  
17 possesses for sale any controlled substance which is (1) classified in Schedule III, IV,  
18 or V and which is not a narcotic drug, except subdivision (g) of Section 11056, (2)  
19 specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), (20),  
20 (21), (22), and (23) of subdivision (d), (3) specified in paragraph (11) of subdivision  
21 (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section  
22 11054, or (5) specified in subdivision (d), (e), or (f), except paragraph (3) of  
23 subdivision (e) and subparagraphs (A) and (B) of paragraph (2) of subdivision (f), of  
24 Section 11055, shall be punished by imprisonment pursuant to subdivision (h) of  
25 Section 1170 of the Penal Code.

26 17. United States Code, title 21, section 843 states, in pertinent part:

27 (a) It shall be unlawful for any person knowingly or intentionally –

28 . . . .

(3) to acquire or obtain possession of a controlled substance by  
misrepresentation, fraud, forgery, deception, or subterfuge;

. . . .

## 22 REGULATORY PROVISIONS

23 18. California Code of Regulations, title 16, section 1769, states:

24 . . . .

25 (b) When considering the suspension or revocation of a facility or a personal  
26 License on the ground that the licensee or the registrant has been convicted of a  
27 crime, the board, in evaluating the rehabilitation of such person and his present  
28 eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

1 (2) Total criminal record.

2 (3) The time that has elapsed since commission of the act(s) or offense(s).

3 (4) Whether the licensee has complied with all terms of parole, probation,  
4 restitution or any other sanctions lawfully imposed against the licensee.

5 (5) Evidence, if any, of rehabilitation submitted by the licensee.

6 19. California Code of Regulations, title 16, section 1770, states:

7 For the purpose of denial, suspension, or revocation of a personal or facility  
8 license pursuant to Division 1.5 (commencing with Section 475) of the Business and  
9 Professions Code, a crime or act shall be considered substantially related to the  
10 qualifications, functions or duties of a licensee or registrant if to a substantial degree  
it evidences present or potential unfitness of a licensee or registrant to perform the  
functions authorized by his license or registration in a manner consistent with the  
public health, safety, or welfare.

#### 11 COSTS

12 20. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
13 administrative law judge to direct a licentiate found to have committed a violation or violations of  
14 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
15 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
16 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
17 included in a stipulated settlement.

#### 18 DRUGS

19 21. Alprazolam, sold commercially as Xanax, is a Schedule IV controlled substance  
20 under California Health and Safety Code section 11057, subdivision (d)(1), and is classified as a  
21 dangerous drug pursuant to Business and Professions Code section 4022.

22 22. Hydrocodone bitartate/acetaminophen, sold commercially as Norco, is a Schedule III  
23 controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4),  
24 and is a dangerous drug pursuant to Business and Professions Code section 4022.

25 23. Tramadol, sold commercially as Ultram, is a dangerous drug pursuant to Business and  
26 Professions Code section 4022.

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28 ///

**FIRST CAUSE FOR DISCIPLINE**

**(February 23, 2012 Criminal Conviction for Grand Theft on January 1, 2012)**

24. Respondent has subjected his registration to discipline under sections 490 and 4301, subdivision (l) of the Code in that he was convicted of a crime that is substantially related to the qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

a. On or about February 23, 2012, in a criminal proceeding entitled *People of the State of California v. Michael James Hart*, in San Diego County Superior Court, case number CD238395, Respondent was convicted on his plea of guilty to violating Penal Code section 487, subdivision (a), grand theft of personal property, a felony reduced to a misdemeanor at sentencing after Respondent paid restitution to the victim in the amount of \$1,089.22. Pursuant to Respondent's plea agreement, the court dismissed additional counts of burglary (Pen. Code, § 459), and possession of a controlled substance, to wit, hydrocodone (Health & Saf. Code, § 11350(a)).

b. As a result of the conviction, on or about March 22, 2012, Respondent was granted three years formal probation, and sentenced to serve one day in jail, with credit for one day. Respondent was further ordered to complete 20 days of community service, pay fees and fines in the amount of \$2,551.22, submit to a Fourth Amendment waiver, comply with drug and alcohol terms, and to stay away from CVS Pharmacy.

c. The facts that led to the conviction are that on or about January 4, 2012, a CVS Pharmacy Loss Prevention Manager contacted the Drug Enforcement Administration's San Diego Field Division's Tactical Diversion Squad (TDS) to report that one of their pharmacy technicians (Respondent) was seen on video surveillance stealing one bottle of Norco 10/325 from their pharmacy during his scheduled shift on January 1, 2012. That afternoon, agents from the TDS met with the Loss Prevention Manager to review the video surveillance footage, and arrangements were made to allow the Loss Prevention Manager to obtain a statement from Respondent. In Respondent's written statement, he admitted that from April 2010 to January 1, 2012, he stole approximately four bottles of Norco 7.5/325 mg., two bottles of Norco 10/325 mg., two bottles of Xanax 2 mg., and 40 bottles of Ultram 50 mg. Respondent stated he sold the drugs

1 to friends. The total cost of the stolen drugs was estimated at \$1,089.22. The TDS agents arrived  
2 and placed Respondent under arrest. Respondent discussed his written statement with the TDS  
3 agents and confirmed the thefts. In a subsequent interview with an investigator with the Board of  
4 Pharmacy on June 29, 2012, Respondent prepared a written declaration stating that he stole the  
5 drugs for resale and for personal use.

## 6 **SECOND CAUSE FOR DISCIPLINE**

### 7 **(Commission of Acts Involving Dishonesty, Fraud, Deceit & Corruption)**

8 25. Respondent has subjected his registration to discipline under section 4301,  
9 subdivision (f) of the Code for unprofessional conduct in that on or between April 2010 and  
10 January 2012, Respondent stole controlled substances and dangerous drugs from his  
11 employer/pharmacy using fraud, deceit, and dishonesty, as described in paragraph 24, above.

## 12 **THIRD CAUSE FOR DISCIPLINE**

### 13 **(Violation of California Statutes Regulating Controlled Substances)**

14 26. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the  
15 Code for unprofessional conduct in that on or between April 2010 to January 2011, Respondent  
16 knowingly violated Business and Professions Code sections 4022, 4059, and 4060; and Health  
17 and Safety Code sections 11350, 11351, 11377, and 11378, as described in paragraph 24, above.

## 18 **FOURTH CAUSE FOR DISCIPLINE**

### 19 **(Violating Federal & State Laws & Regulations Governing Pharmacy)**

20 27. Respondent is subject to disciplinary action under section 4301, subdivision (o) of the  
21 Code for unprofessional conduct in that on or between April 2010 to January 2012, Respondent  
22 violated Title 21 U.S.C. section 843, subdivision (a)(3), Board of Pharmacy Regulations  
23 (California Code of Regulations, Title 16, Section 1700, et seq.), and the California Uniform  
24 Controlled Substances Act (Health and Safety Code 11000, et seq.), when he obtained controlled  
25 substances using fraud and deceit, as described in paragraph 24, above.

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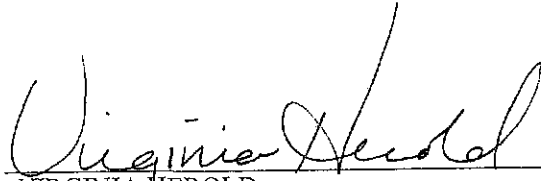
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy Technician Registration Number TCH 86374, issued to Michael James Hart;
2. Ordering Michael James Hart to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 9/27/13



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

SD2013805176